

**NINETY-SECOND LEGISLATIVE DAY
MONDAY, APRIL 7, 2003**

House of Representatives

The House convened at 8:00 a.m., the Speaker in the Chair.

Roll call showed all 70 members present.

Prayer was offered by Chaplain Jim Hardenbrook.

The Pledge of Allegiance was led by Casey Dubose, Page.

Approval of Journal

April 7, 2003

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have read and approved the House Journal of the Eighty-ninth Legislative Day and recommend that same be adopted as corrected.

FIELD(18), Chairman

Mrs. Field(18) moved that the report be adopted. Seconded by Mrs. Boe. Report adopted.

**Consideration of Messages from the
Governor and the Senate**

THE OFFICE OF THE GOVERNOR
EXECUTIVE DEPARTMENT
BOISE, IDAHO

CERTIFICATE OF APPOINTMENT

KNOW ALL MEN, by these Presents that Larry Bradford, State Representative, District 31, House Seat A, State of Idaho, pursuant to the provisions of Section 59-917, Idaho Code, has nominated Elliot Larsen, of Preston, Idaho, to perform the duties of this office temporarily as Acting State Representative.

NOW, THEREFORE, I, DIRK A. KEMPTHORNE, Governor of the State of Idaho, by virtue of the authority vested in me by Section 59-917, Idaho Code, do hereby appoint Elliot Larsen, Acting State Representative, District 31, House Seat A, State of Idaho, for a term commencing on April 7, 2003, and continuing until the incumbent shall resume the performance of the duties or a vacancy occurs in such office.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Idaho.

Done at Boise, the Capital of Idaho, this 1st day of April in the year of our Lord two thousand and three, and of the Independence of the United States of America, the two hundred and twenty-seventh year.

/s/ DIRK A. KEMPTHORNE
Governor
/s/ BEN YSURSA
Secretary of State

The Certificate of Appointment was ordered filed in the Office of the Chief Clerk.

The Speaker announced the oath of office had previously been administered to Mr. Larsen.

April 4, 2003

Mr. Speaker:

I transmit herewith enrolled **S 1115**, as amended in the House, and **S 1165** for the signature of the Speaker.

WOOD, Secretary

The Speaker announced he was about to sign enrolled **S 1115**, as amended in the House, and **S 1165** and, when so signed, ordered them returned to the Senate.

April 4, 2003

Mr. Speaker:

I return herewith enrolled **H 370, H 371, H 322, H 228, H 306, H 270, H 319, H 326, H 160**, as amended, and **H 199**, as amended, as amended in the Senate, which have been signed by the President.

WOOD, Secretary

Enrolled **H 370, H 371, H 322, H 228, H 306, H 270, H 319, H 326, H 160**, as amended, and **H 199**, as amended, as amended in the Senate, were referred to the Judiciary, Rules, and Administration Committee for delivery to the Governor.

April 4, 2003

Mr. Speaker:

I return herewith **HCR 29, HJM 11, H 279**, and **H 367** which have passed the Senate.

WOOD, Secretary

HCR 29, HJM 11, H 279, and **H 367** were referred to the Judiciary, Rules, and Administration Committee for enrolling.

Report of Standing Committees

April 7, 2003

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have enrolled **HJM 10, H 335**, as amended, **H 336**, as amended, **H 337, H 338, H 369, H 358, H 65**, as amended in the Senate, **H 301**, as amended in the Senate, **H 169**, as amended, as amended in the Senate, and **H 218**, as amended in the Senate.

FIELD(18), Chairman

The Speaker announced he was about to sign enrolled **HJM 10, H 335**, as amended, **H 336**, as amended, **H 337, H 338, H 369, H 358, H 65**, as amended in the Senate, **H 301**, as amended in the Senate, **H 169**, as amended, as amended in the Senate, and **H 218**, as amended in the Senate, and, when so signed, ordered them transmitted to the Senate for the signature of the President.

April 7, 2003

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have transmitted enrolled **H 149, H 339, H 327, H 357, H 9**, as amended, as amended in the Senate, **H 150**, as amended in the Senate, and **H 64**, as amended, as amended in the Senate, to the Governor at 11:45 a.m., as of this date, April 4, 2003.

FIELD(18), Chairman

There being no objection, the House advanced to the Eleventh Order of Business.

Third Reading of Bills and Joint Resolutions

Mrs. Barrett asked unanimous consent that **H 399** be returned to the Revenue and Taxation Committee. Mr. Meyer objected.

Mrs. Barrett moved that **H 399** be returned to the Revenue and Taxation Committee. Seconded by Mr. Kulczyk.

Mr. Robert asked unanimous consent that, pursuant to Rule 22, discussion of **H 400** and **H 404** be allowed in debate of **H 399**. There being no objection, it was so ordered.

The question being, "Shall the motion carry?"

Roll call resulted as follows:

AYES -- Barrett, Bauer, Bradford(Larsen), Campbell, Eskridge, Harwood, Kulczyk, Langford, McGeachin, Nielsen, Roberts, Sali. Total -- 12.

NAYS -- Andersen, Barraclough, Bedke, Bell, Bieter, Black, Block, Boe, Bolz, Cannon, Collins, Crow, Cuddy, Deal, Denney, Douglas, Edmunson, Ellsworth, Field(18), Field(23), Gagner, Garrett, Henbest, Jaquet, Jones, Kellogg, Lake, Langhorst, Martinez, McKague, Meyer, Miller, Mitchell, Moyle, Naccarato, Raybould, Ridinger, Ring, Ringo, Robison, Rydalph, Sayler, Schaefer, Shepherd, Shirley, Skippen, Smith(30), Smith(24), Smylie, Snodgrass, Stevenson, Tilman, Trail(Young), Wills, Wood, Mr. Speaker. Total -- 56.

Absent and excused -- Clark, Eberle. Total -- 2.

Total -- 70.

Whereupon the Speaker declared the motion failed.

Mrs. Barrett moved that **H 399** be laid on the table. Seconded by Mr. Kulczyk.

The question being, "Shall the motion carry?"

Roll call resulted as follows:

AYES -- Barrett, Campbell, Eskridge, Harwood, Kulczyk, Langford, McKague, Nielsen, Sali, Wood. Total -- 10.

NAYS -- Andersen, Barraclough, Bauer, Bedke, Bell, Bieter, Black, Block, Boe, Bolz, Bradford(Larsen), Cannon, Collins, Crow, Cuddy, Deal, Denney, Douglas, Edmunson, Ellsworth, Field(18), Field(23), Gagner, Garrett, Henbest, Jaquet, Jones, Kellogg, Lake, Langhorst, Martinez, McGeachin, Meyer, Miller, Mitchell, Moyle, Naccarato, Raybould, Ridinger, Ring, Ringo, Roberts, Robison, Rydalph, Sayler, Schaefer, Shepherd, Shirley,

Skippen, Smith(30), Smith(24), Smylie, Snodgrass, Stevenson, Tilman, Trail(Young), Wills, Mr. Speaker. Total -- 58.

Absent and excused -- Clark, Eberle. Total -- 2.

Total -- 70.

Whereupon the Speaker declared the motion failed.

H 399 was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mrs. McGeachin to open debate.

Mrs. McGeachin asked unanimous consent that, pursuant to Rule 22, discussion of other bills be allowed in debate of **H 399**. There being no objection, it was so ordered.

Ms. Henbest moved that **H 399** be placed on General Orders for consideration. Seconded by Ms. Jaquet.

The question being, "Shall the motion carry?"

Roll call resulted as follows:

AYES -- Andersen, Bieter, Boe, Cuddy, Douglas, Henbest, Jaquet, Langhorst, Martinez, Meyer, Mitchell, Naccarato, Ringo, Robison, Sayler, Shepherd, Smith(30). Total -- 17.

NAYS -- Barraclough, Barrett, Bauer, Bedke, Bell, Black, Block, Bolz, Bradford(Larsen), Campbell, Cannon, Collins, Crow, Deal, Denney, Edmunson, Ellsworth, Eskridge, Field(18), Field(23), Gagner, Garrett, Harwood, Jones, Kellogg, Kulczyk, Lake, Langford, McGeachin, McKague, Miller, Moyle, Nielsen, Raybould, Ridinger, Ring, Roberts, Rydalph, Sali, Schaefer, Shirley, Skippen, Smith(24), Smylie, Snodgrass, Stevenson, Tilman, Trail(Young), Wills, Wood, Mr. Speaker. Total -- 51.

Absent and excused -- Clark, Eberle. Total -- 2.

Total -- 70.

Whereupon the Speaker declared the motion failed.

The question being, "Shall **H 399** pass?"

Roll call resulted as follows:

AYES -- Andersen, Bell, Bieter, Block, Boe, Bradford(Larsen), Cannon, Crow, Douglas, Field(23), Henbest, Jaquet, Kellogg, Langhorst, Martinez, McGeachin, Miller, Mitchell, Ring, Ringo, Robison, Sayler, Shirley, Smith(30), Stevenson, Trail(Young). Total -- 26.

NAYS -- Barraclough, Barrett, Bauer, Bedke, Black, Bolz, Campbell, Clark, Collins, Cuddy, Deal, Denney, Eberle, Edmunson, Ellsworth, Eskridge, Field(18), Gagner, Garrett, Harwood, Jones, Kulczyk, Lake, Langford, McKague, Meyer, Moyle, Naccarato, Nielsen, Raybould, Ridinger, Roberts, Rydalph, Sali, Schaefer, Shepherd, Skippen, Smith(24), Smylie, Snodgrass, Tilman, Wills, Wood, Mr. Speaker. Total -- 44.

Total -- 70.

Whereupon the Speaker declared **H 399** failed to pass the House and ordered the bill filed in the Office of the Chief Clerk.

Mr. Cuddy, having voted on the prevailing side, served notice that he may ask for reconsideration of the vote by which **H 399** failed the House.

H 399 was ordered held at the Desk.

H 400 was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Smith(24) to open debate.

At this time, Mr. Denney took the Chair.

At this time, Mr. Moyle took the Chair.

The question being, "Shall **H 400** pass?"

Roll call resulted as follows:

AYES -- Andersen, Bieter, Black, Block, Boe, Bolz, Bradford(Larsen), Cannon, Cuddy, Deal, Douglas, Field(18), Gagner, Garrett, Henbest, Jaquet, Jones, Kellogg, Langhorst, Martinez, Meyer, Miller, Mitchell, Naccarato, Ridinger, Ring, Ringo, Robison, Rydalch, Sayler, Shepherd, Shirley, Smith(30), Smith(24), Smylie, Snodgrass, Trail(Young), Wills, Mr. Speaker. Total -- 39.

NAYS -- Barraclough, Barrett, Bauer, Bedke, Bell, Campbell, Clark, Collins, Crow, Denney, Eberle, Edmunson, Ellsworth, Eskridge, Field(23), Harwood, Kulczyk, Lake, Langford, McGeachin, McKague, Moyle, Nielsen, Raybould, Roberts, Sali, Schaefer, Skippen, Stevenson, Tilman, Wood. Total -- 31.

Total -- 70.

Whereupon the Speaker Pro Tem declared **H 400** passed the House. Title was approved and the bill was ordered transmitted to the Senate.

Mr. Denney moved that the House recess until 1:30 p.m. Seconded by Ms. Jaquet. Motion carried.

Whereupon the Speaker Pro Tem declared the House at recess until 1:30 p.m.

RECESS

Afternoon Session

The House reconvened at 1:30 p.m., the Speaker in the Chair.

Roll call showed 69 members present.

Absent and excused -- Stevenson. Total -- 1.

Total -- 70.

Prior to recess, the House was at the Eleventh Order of Business.

Third Reading of Bills and Joint Resolutions

Mr. Denney asked unanimous consent that **H 404** be placed at the top of the Third Reading Calendar. There being no objection, it was so ordered.

H 404 was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mrs. Field(18) to open debate.

Mrs. Field(18) asked unanimous consent that **H 404** be placed on General Orders for consideration. There being no objection, it was so ordered.

Mr. Denney asked unanimous consent that the remaining bills on the Third Reading Calendar retain their places for one Legislative Day. There being no objection, it was so ordered.

There being no objection, the House advanced to the Thirteenth Order of Business.

Miscellaneous and Unfinished Business

H 399, having been held at the desk for possible reconsideration of the vote by which it failed to pass the House, and no motion for reconsideration having been received, will be filed in the Office of the Chief Clerk.

There being no objection, the House advanced to the Sixteenth Order of Business.

Adjournment

Mr. Denney moved that the House adjourn until 10:45 a.m., Tuesday, April 8, 2003. Seconded by Ms. Jaquet. Motion carried.

Whereupon the Speaker declared the House adjourned at 1:53 p.m.

BRUCE NEWCOMB, Speaker

ATTEST:

PAMM JUKER, Chief Clerk